

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00364-TJK**

AMERICAN OVERSIGHT v. U.S. ENVIRONMENTAL
PROTECTION AGENCY

Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 02/16/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Daniel Alexander McGrath**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-4213
Email: daniel.mcgrath@americanoversight.org
ATTORNEY TO BE NOTICED

Sara Kaiser Creighton
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5246
Fax: (202) 871-6523
Email: sara.creighton@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **Johnny Hillary Walker , III**
U.S. ATTORNEY'S OFFICE
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter T. Wechsler
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 514-2705
Fax: (202) 616-8470
Email: peter.wechsler@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/16/2018	<u>1</u>	COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5336958) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit

		E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Civil Cover Sheet, # <u>11</u> Summons as to USAO, # <u>12</u> Summons as to AG, # <u>13</u> Summons as to EPA)(Creighton, Sara) (Entered: 02/16/2018)
02/16/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Creighton, Sara) (Entered: 02/16/2018)
02/16/2018		Case Assigned to Judge Timothy J. Kelly. (jd) (Entered: 02/20/2018)
02/20/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 02/20/2018)
03/06/2018	<u>4</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of All Defendants (Walker, Johnny) (Entered: 03/06/2018)
03/19/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/26/2018. (Answer due for ALL FEDERAL DEFENDANTS by 3/28/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/26/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 2/26/2018 (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 03/19/2018)
03/27/2018	<u>6</u>	NOTICE of Appearance by Peter T. Wechsler on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY (Wechsler, Peter) (Entered: 03/27/2018)
03/27/2018	<u>7</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 03/27/2018)
04/03/2018		MINUTE ORDER granting, nunc pro tunc and for good cause shown, Defendant's unopposed <u>7</u> Motion for Extension of Time. It is hereby ORDERED that Defendant shall respond to Plaintiff's complaint by April 11, 2018. Signed by Judge Timothy J. Kelly on 4/3/2018. (lctjk1) (Entered: 04/03/2018)
04/10/2018	<u>8</u>	MOTION for Summary Judgment by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Motion for Summary Judgment, # <u>2</u> Declaration of Sara Kaiser Creighton, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17, # <u>20</u> Exhibit 18, # <u>21</u> Exhibit 19, # <u>22</u> Statement of Facts, # <u>23</u> Text of Proposed Order)(Creighton, Sara) (Entered: 04/10/2018)
04/11/2018	<u>9</u>	ANSWER to <u>1</u> Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Wechsler, Peter) Modified to add link on 4/12/2018 (znmw). (Entered: 04/11/2018)
04/12/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by April 26, 2018. Signed by Judge Timothy J. Kelly on 4/12/2018. (lctjk1) (Entered: 04/12/2018)
04/12/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule or Disclosure due by 4/26/2018. (kh) (Entered: 04/12/2018)
04/26/2018	<u>10</u>	Joint STATUS REPORT and Proposed Schedule by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Wechsler, Peter) (Entered: 04/26/2018)
04/26/2018		MINUTE ORDER: In light of the parties' <u>10</u> Joint Status Report and Proposed Schedules, it is hereby ORDERED that the following schedule shall govern further briefing for Plaintiff's <u>8</u> motion for summary judgment: (1) Defendant shall file its opposition and cross-motion by May 17, 2018; (2) Plaintiff shall file its opposition to Defendant's cross-motion and reply in support of its motion by June 14, 2018; and (3) Defendant shall file its reply in support of its cross-motion by June 28, 2018. In addition, the Court ORDERS that Defendant shall: (1) process approximately 50 percent of the potentially responsive records it has already identified, and release all

		non-exempt records to Plaintiff, by July 31, 2018; and (2) process the remainder of these potentially responsive records, and release all non-exempt records to Defendant, by October 31, 2018. Finally, it is hereby ORDERED that the parties shall file a further Joint Status Report by May 31, 2018. Signed by Judge Timothy J. Kelly on 4/26/2018. (lctjk1) (Entered: 04/26/2018)
04/27/2018		Set/Reset Deadlines: Response to Motion for Summary Judgment and Cross Motions due by 5/17/2018. Reply to Motion for Summary Judgment and Response to Cross Motions due by 6/14/2018. Reply to Cross Motions due by 6/28/2018. Joint Status Report due by 5/31/2018. (kh) (Entered: 04/27/2018)
05/17/2018	<u>11</u>	MOTION for Partial Summary Judgment by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Elizabeth White, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Wechsler, Peter) (Entered: 05/17/2018)
05/17/2018	<u>12</u>	RESPONSE re <u>8</u> MOTION for Summary Judgment filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Statement of Facts reponse to plaintiff's statement of facts, # <u>2</u> Declaration Elizabeth White)(Wechsler, Peter) (Entered: 05/17/2018)
05/31/2018	<u>13</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Wechsler, Peter) (Entered: 05/31/2018)
05/31/2018		MINUTE ORDER: In light of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Joint Status Report by August 7, 2018. Signed by Judge Timothy J. Kelly on 5/31/2018. (lctjk1) (Entered: 05/31/2018)
05/31/2018		Set/Reset Deadlines: Joint Status Report due by 8/7/2018. (kh) (Entered: 05/31/2018)
06/14/2018	<u>14</u>	REPLY to opposition to motion re <u>8</u> MOTION for Summary Judgment filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Declaration of Sara Kaiser Creighton, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Creighton, Sara) (Entered: 06/14/2018)
06/14/2018	<u>15</u>	Memorandum in opposition to re <u>11</u> MOTION for Partial Summary Judgment filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Declaration of Sara Kaiser Creighton, # <u>2</u> Statement of Facts Response)(Creighton, Sara) (Entered: 06/14/2018)
06/28/2018	<u>16</u>	REPLY to opposition to motion re <u>11</u> MOTION for Partial Summary Judgment filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Statement of Facts response to supplemental statement of facts)(Wechsler, Peter) (Entered: 06/28/2018)
08/06/2018	<u>17</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Wechsler, Peter) (Entered: 08/06/2018)
08/07/2018		MINUTE ORDER: In light of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that: (1) Defendant shall release all responsive, non-exempt records to Plaintiff by August 31, 2018; and (2) the parties shall file a further joint status report by September 10, 2018. Signed by Judge Timothy J. Kelly on 8/7/2018. (lctjk1) (Entered: 08/07/2018)
08/07/2018		Set/Reset Deadlines: Defendant shall release all responsive, non-exempt records to Plaintiff by 8/31/2018. (kh) (Entered: 08/07/2018)
08/20/2018	<u>18</u>	NOTICE of Supplemental Declaration by AMERICAN OVERSIGHT re <u>8</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 08/20/2018)
08/21/2018	<u>19</u>	NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Main Document 19 replaced on 8/22/2018) (zttth). (Entered: 08/21/2018)
08/22/2018	<u>20</u>	RESPONSE re <u>18</u> Notice (Other) of Supplemental Declaration filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Wechsler, Peter) (Entered: 08/22/2018)

09/10/2018	<u>21</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Wechsler, Peter) (Entered: 09/10/2018)
09/10/2018		Set/Reset Deadline: Joint Status Report due by October 10, 2018. (lctjk1) Modified on 9/12/2018 to correct language.(ztnr) (Entered: 09/10/2018)
09/10/2018		MINUTE ORDER: In light of the parties' <u>21</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report by October 10, 2018. Signed by Judge Timothy J. Kelly on 9/10/2018. (lctjk1) (Entered: 09/12/2018)
10/03/2018	<u>22</u>	NOTICE of Change of Address by Peter T. Wechsler (Wechsler, Peter) (Entered: 10/03/2018)
10/10/2018	<u>23</u>	Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Wechsler, Peter) (Entered: 10/10/2018)
01/09/2019	<u>24</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A)(Creighton, Sara) (Entered: 01/09/2019)